

产权组织标准委员会（CWS）

第十一届会议

2023 年 12 月 4 日至 8 日，日内瓦

关于修订产权组织标准 ST. 61 的提案

国际局编拟的文件

背 景

1. 产权组织标准委员会（CWS）第八届会议通过了产权组织标准 ST. 61（见文件 CWS/8/24 第 28 段）。该标准提供了可以描述商标申请在注册体系中办理期间法律状态或已注册商标法律状态的标准化模式。
2. 在这届会议上还请各知识产权局提供映射表，说明其现有法律状态事件与产权组织标准 ST. 61 中定义的事件之间的对应关系，以及未来的实施计划（见文件 CWS/8/24 第 30 段）。这些映射表已作为《产权组织手册》第 7.13.3 部分在产权组织网站上公布：https://www.wipo.int/standards/en/part_07.html。
3. 对产权组织标准 ST. 61 的更新在第 47 号任务范畴下进行，任务说明如下：

“确保对产权组织标准 ST. 27、ST. 87 和 ST. 61 进行必要的修订和更新；编写支持材料以协助这些标准在知识产权界的使用；并支持 XML4IP 工作队开发用于法律状态事件数据的 XML 组件。”
4. 自标准委员会上届会议以来，法律状态工作队的优先事项之一就是与 XML4IP 工作队合作，开发可扩展标记语言（XML）组件，以便依据产权组织标准 ST. 61 捕捉商标法律状态。工作队的工作特别是要审查附件二的内容，其中捕捉了可被记录用于 ST. 61 每个特定类别的补充数据。

5. 两个工作队主管局提名的专家应邀就每个事件类别可能缺失的要素提出建议。这些专家于 2023 年 8 月举行了一次在线会议，分析两个工作队提出的意见，并为修订产权组织标准 ST. 61 附件二编写一份提案。

对产权组织标准 ST. 61 的拟议修订

6. 法律状态工作队在第 47 号任务的框架下建议修订产权组织标准 ST. 61 附件二。对产权组织标准 ST. 61 附件二的拟议修订作为本文件附件提供。附件中仅载有 ST. 61 附件二，ST. 61 正文和其他附件不在此附件中提供。修订内容以跟踪修改的方式突出显示，其中以删除线表示的内容应予删除，以下划线表示的内容应予增加。

7. 产权组织标准 ST. 61 附件二的拟议修正案可总结如下：

类别	事件	拟议增加
A	申请提交	商标种类（如集体商标） 商标类型（如图形商标）
B	申请终止	法院信息
C	申请恢复	恢复的原因
D	检索和审查	审查类型（如实质性审查） 审查报告数据 检索报告数据
F	商标注册	商标种类（如集体商标） 商标类型（如图形商标）
H	知识产权失效	法院信息
L	知识产权复审请求	请求权利复审的原因
R	有关方数据变更	被转让的商品/服务

8. 请标准委员会：

a) 注意本文件及其附件的内容；以及

b) 审议并批准上文第 6 和第 7 段所述并转录于本文件附件的对产权组织标准 ST. 61 的拟议修订。

[后接附件]

STANDARD ST.61

RECOMMENDATION FOR THE EXCHANGE OF TRADEMARK LEGAL STATUS DATA

ANNEX II

SUPPLEMENTARY EVENT DATA

Adepte~~d~~*Proposal presented for approval* by the Committee on WIPO Standards (CWS)
at its ~~eight~~^{eleventh} session

1. Each status event code may be accompanied by supplementary event data. There is supplementary event data that is specific to events in a particular category and there is common supplementary event data which is common to all events. The common supplementary event data includes (1) the effective country or region, (2) the gazette issue number, (3) comment (i.e. free text); (4) a prior relevant event date, and (5) a relevant rule. The "effective country or region", is the country or region where the event has legal effect, which is particularly relevant for regional IPOs where the effect of an event, such as discontinuation due to non-payment of renewal fees, only has effect in some of the countries where the IP right is active. The "gazette issue number" is the issue of the national/regional gazette where the particulars of the national/regional event are made public. IPOs will be able to provide additional associated data which is not specified in the "comment" entry. The "prior relevant event date" is the date of a prior event which is relevant to the current event, such as the start of a fee payment time period which has expired. The "relevant rule" is an Office-specific rule, regulation, law, or other principle which was applied to reach the event outcome.

2. The Table below shows what supplementary data fields may be used for different categories. The first row shows common elements that may be used in any category, and subsequent rows show the data elements specific to each category. Note that the supplementary data elements indicated in this Standard are general descriptions of the types of data that may be provided.

Category Code	Category Title & Description	Supplementary event data
n/a	<p>All categories</p> <p>This shows common data elements that may be used in any category.</p>	<ol style="list-style-type: none"> 1. Effective country or region 2. Gazette issue number 3. Comment (i.e. free text) 4. Prior Relevant Event Date 5. Relevant Rule (e.g. rule number)
A	<p>Application filing</p> <p>This category is a group of events related to the filing of a trademark application. It covers any event that results in the creation of a new matter number, whether or not a new application document is filed at the IPO. For example, it includes when a national or regional IPO or the International Bureau of the World Intellectual Property Organization receives an application for the registration of a trademark together with any additional indications, elements, documentation and/or fees necessary to obtain a filing date under national or regional law or convention or the Madrid System as applicable. This category also includes events related to the creation of a subsequent designation, divisional application, continuation, or a conversion.</p>	<ol style="list-style-type: none"> 1. Related Document Identification (e.g., parent document ID) 2. Priority Date 3. International or Regional Application Filing Data 4. Applicant Data (e.g. name, contact info) 5. <u>Divided Applications</u> 6. <u>Kind of trademark (e.g., collective mark)</u> 7. <u>Type of trademark (e.g., word or figurative mark)</u>

Category Code	Category Title & Description	Supplementary event data
B	<p>Application discontinuation</p> <p>This category is a group of events related to the discontinuation of an application. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-registration challenge stage into the termination likely / termination stage.</p>	<ol style="list-style-type: none"> 1. <u>Reason Not In Force</u> 2. <u>Court information</u>
C	<p>Application revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an application after it has been discontinued, where permitted by the IP Office. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding action or decision which had resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination likely / termination stage into the filing stage, examination stage or pre-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Discontinuation Date 2. <u>Reason Not In Force</u> 3. <u>Reason for revival</u>
D	<p>Search and examination</p> <p>This category is a group of events related to the examination proceeding and prior rights searches that occur before the acceptance or rejection of the trademark. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior rights search and an announcement of the intention of the IPO to register the trademark and/or grant an IP right. The events in this category may move an application from the filing stage or the pre-registration challenge stage into the examination stage.</p>	<ol style="list-style-type: none"> 1. Search Origin Category 2. Requester of Search (e.g., applicant, third party, or independently by the IPO) 3. Requester of Examination (e.g., applicant, third party, or independently by the IPO) 4. Publication Data 5. Priority Data 6. Related Documents Data (e.g., regional filing data, international filing data) 7. <u>Applicant Data</u> 8. <u>Type of examination (e.g., substantive)</u> 9. <u>Examination report data</u> 10. <u>Search report data</u>

Category Code	Category Title & Description	Supplementary event data
E	<p>Pre-registration review request</p> <p>This category is a group of events related to the request for a pre-registration review. It includes, for example, a request for a pre-registration opposition, pre-registration re-examination, or pre-registration limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination likely / termination stage into the pre-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Details of Court/Tribunal (e.g., name of court, tribunal, IPO body) 2. Party Name(s) 3. Representative's Details (e.g., name(s) & contact information) 4. Review Procedure Data (e.g., opposition date, reference, language)
F	<p>Trademark registration</p> <p>This category is a group of events which relate to the effective grant date of an IP right and/or the entry of the trademark into the IPO's register. It includes, for example, when a trademark is registered and/or an IP right was granted following an examination, an appeal, pre-registration review or inadmissibility, rejection or withdrawal of a pre-registration review request. The events in this category may move an application from the examination stage or the pre-registration challenge stage into the registration stage.</p>	<ol style="list-style-type: none"> 1. Name of Registered Owner 2. Reference to Pre-grant Review Decision (e.g., court or tribunal order following pre-grant review) 3. Priority Data 4. Classification Data 5. <u>Kind of trademark (e.g., collective mark)</u> 6. <u>Type of trademark (e.g., word or figurative mark)</u>
H	<p>IP right cessation</p> <p>This category is a group of events related to the cessation of an IP right. It includes, for example, the cessation of an IP right following an IP right review, an appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the registration stage or the post-registration challenge stage into the termination likely / termination stage.</p>	<ol style="list-style-type: none"> 1. Legal Effect Start Time 2. Decision Authority Category (e.g., national court, tribunal, IPO) 3. Reason Not In Force 4. <u>Court information</u>
K	<p>IP right revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an IP right after its cessation. It includes, for example, the request for the revival and the decision to revive an IP right, including by way of an appeal. The events in this category may move an IP right from the termination likely / termination stage into the registration stage or the post-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Reinstatement Reason Category (e.g., following payment of fee) 2. Cessation Date 3. Expiry Date

Category Code	Category Title & Description	Supplementary event data
L	<p>IP right review request</p> <p>This category is a group of events related to a request for a review after registration of a trademark and/or the grant of an IP right. It includes, for example, a request for a post-registration opposition, post-registration examination, limitation, reissue, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the registration stage or the termination likely / termination stage into the post-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Party Name(s) 2. Representative's Details (e.g. name(s) & contact information) 3. Review Procedure Details (e.g. opposition date, reference, language) 4. Reason for right review request
M	<p>IP right maintenance</p> <p>This category is a group of events related to the maintenance of a granted IP right in full or amended form as the outcome of a post-registration challenge. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-registration challenge stage into the registration stage.</p>	<ol style="list-style-type: none"> 1. IP Right Review Details (i.e. information about the IP right review, including court order details for example) 2. Decision Authority Category e.g., court, tribunal, IPO)
N	<p>Termination</p> <p>This category is a group of events related to the termination of an application or an IP right without a possibility of its revival. It includes, for example, when an application or IP right was terminated by the IPO or a court. The events in this category are not available to all IPOs.</p>	<ol style="list-style-type: none"> 1. Reason Not In Force
P	<p>Document modification</p> <p>This category is a group of events related to modifications of an application, IP right document or other document, which occur outside the context of a pre-registration review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Publication identification 2. Modified Part of Document Category (e.g., a figurative element, NICE classification, bibliographic information, priority claim, specification, claims, drawings) 3. Modification Category (e.g., amendment or correction) 4. Previously Published (erroneous) Content 5. New (corrected) Content

Category Code	Category Title & Description	Supplementary event data
Q	<p>Document publication</p> <p>This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Publication Identification
R	<p>Party data change</p> <p>This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g. the applicant(s), owner(s), or representative(s). It also includes events related to the recording of changes in party contact information. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Party Data Change Category (e.g., owner holder change, representative change, owner holder contact information change, representative contact information change) 2. Previous Party Details (e.g. name, contact information, country code) 3. New Party Details (e.g. name, contact information, country code) 4. Ownership Transfer Data (including assignment document number) 5. Legal Proceedings Details (if applicable) 6. Goods and Services list transferred
S	<p>Licensing information</p> <p>This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. License Data (e.g. registration number, record type, status, start and end dates) 2. Licensor(s) Data (e.g. name, contact information, country code) 3. Licensee(s) Data (e.g. name, contact information, country code) 4. Licensing Information Amendment Category (i.e. which terms were amended) 5. Territory of License Validity 6. Legal Proceeding Details (if applicable)

Category Code	Category Title & Description	Supplementary event data
T	<p>Administrative procedure adjustment</p> <p>This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Adjustment Category (e.g., time extension, suspension, stay, resumption, interruption, delay in communication services, as-of-right extension granted, IPO disruption, IPO irregularity) 2. Reason for Adjustment (e.g., natural disaster, IPO delay, court delay, applicant/owner holder delay) 3. Start and End Date (e.g., date at which the adjustment starts and date at which the adjustment ends)
U	<p>Payment</p> <p>This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Fee Category (e.g., registration fee, maintenance fee, renewal fee, designation fee) 2. Payment Details (e.g. payment status, year of fee payment, ,) 3. Renewal Details (e.g., length of renewal, scope changes, next fee due date)
V	<p>Appeal</p> <p>This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The substantive outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Appellate body 2. Decision Being Appealed 3. Appellate Decision Details 4. Decision Citation

Category Code	Category Title & Description	Supplementary event data
W	<p>Other</p> <p>This category covers events which cannot be categorized under any other category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the national/regional/international event (e.g. legacy events or interim/internal events).</p>	<ol style="list-style-type: none"> 1. National or Regional Event Description
Y	<p>Correction and deletion of event information</p> <p>This category is a group of events related to the correction or deletion of erroneous event information that the IPO previously provided. It includes, for example, correction in the status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Status Event Identification (Status Event Code and Date, or Unique Identifier) 2. Previously Published (e-Erroneous) Content 3. New Corrected Content

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